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DATE 2/8/2013 # 1

Montana Department of Corrections
FACT SHEET
Native American ceremonies at Crossroads
Correctional Center

The claim

The subcommittee was told in public testimony on Feb. 6, 2013 that at the Shelby prison: "They (Native Americans) are not allowed to have their cultural traditions. You can't have a sweat today. You can't have a smudge. They can't smudge. They can't have their sweats properly. They (prison staff) always find a problem with it. We even have to pay for their smudging" items.

The facts

Native American offenders are not prevented from having participating in their cultural traditions and religious ceremonies. The sweat lodge ceremonies at Crossroads Correctional Center are conducted every Sunday for state inmates. The general population and the high-custody population have sweats on alternate weeks. Security issues require that the two populations be kept separate. Therefore, an inmate can attend a sweat every other week. The leader of the sweat is the pipe carrier, who is selected by the Inmates themselves.

The Sunday sweats usually begin with the set-up crew going out first to prepare the lodge area, firewood, rocks, water, lodge cover, and other tasks needed for the ceremony. Led by the pipe carrier, sweat participants go to the lodge area after lunch to begin the ceremony.

A correctional officer is present in the area when ceremony is conducted. The officer does not enter the sweat lodge.

The average attendance for the general-population sweats is 25 inmates. The high-close-custody sweats average 15 inmates.

Because the prison is a secure facility and ensuring its safe operation for the inmates and staff is the top priority on a daily basis, events can occur that require cancellation of a sweat on occasion. In the past year, only four of the 52 possible sweats had to be canceled:

- On April 1, 2012, a statewide red-flag warning was issued so a fire could not be lit.
- On Aug. 5, 2012, the facility gates including those for the sally port gate failed and that security problem delayed the sweat. By the time the gates were repaired, it was too late in the day to have a sweat.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's message to the Congress, and is a very important document, as it contains the President's message to the Congress.

- On Dec. 9, 2012, the sweat was canceled due to extreme cold weather and wind-chill. A make-up sweat ceremony was conducted four days later when the weather improved.
- The Dec. 23, 2012 sweat also was canceled due to extreme cold weather and wind chill factors. A make-up ceremony was not conducted.

The pipe carrier also conducts the pipe and smudge ceremonies. These are usually conducted upon request of an inmate who has had a death in the family or has family member with a serious illness.

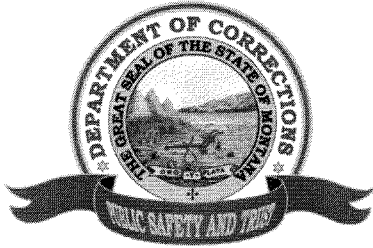
Weekly times for pipe and smudge ceremonies are planned as alternatives for those inmates unable to attend the sweats, such as those disabilities, elderly inmates and those with respiratory problems.

Native inmates also have the ability to conduct talking circles and drum groups.

No Native American inmate has to spend his own money to pay materials needed for the religious and cultural ceremonies. The inmate welfare fund, which contains rebates from the inmate phone system and canteen sales, provides funding for all the materials needed for the Native American ceremonies, as well as religious items for other religious activities.

NOTE:

- *The Department of Corrections maintains an on-site monitor at the prison and his duties include random reviews of all religious activities.*
- *The state and the ACLU reached agreement last year that defined what Native American cultural activities must be allowed at Montana's secure facilities.*
- *Prison officials are always mindful of the need to treat all religious activities equally. To avoid discriminating against any religious interest, preference cannot be shown for one religious tradition without extending the same consideration to all other religious denominations having ceremonies at the prison.*



Montana Department of Corrections FACT SHEET

Returns to prison for technical violations

The claim

The subcommittee was told in public testimony on Feb. 6, 2013: "Ninety-four percent of those who are returned to prison are not reincarcerated for violations of law, but for technical violations."

The facts

Offenders who return to prison are captured in the department's recidivism figures. Recidivism is defined as returning to prison for any reason within three years of release.

For those offenders released from prison in fiscal year 2009 (the latest figure available that allows for three years of data), 85.5 percent of men returning to prison and 91 percent of females returning to prison went back to prison for technical violations of the conditions imposed on their community placement by a judge or the Board of Pardons and Parole.

However, offenders who "return" to prison are only part of the corrections population. It includes only those offenders who were once in prison and then return. It does not include ALL offenders – even those who were never in prison – who enter or return to ANY correctional program. Among this more comprehensive population, 79.8 percent of men and 88 percent of women going to prison within three years of release do so for technical violations.

Still, technical violations do not result in prison time in most instances. Among those committing such violations within three years of release, 60.3 percent of males and 77.3 percent of females went to a program other than prison.

NOTE: Offenders are not returned to prison for a single or minor violation. They are returned for multiple, serious violations. Judges decide which probationers to return, the Board of Pardons and Parole decide which parolees to return and the Department of Corrections decides which offenders committed to the department by a court (DOC commits) are returned. The department decision occurs only after a hearing is conducted.

2013 Legislature
Feb. 7, 2013